

UNITED STATES DISTRICT COURT  
FOR THE NORTH CAROLINA MIDDLE DISTRICT

Civil Action No. 1:17-cv-00875-TDS-JLW

GARRETT AVON SPINKS, )  
)  
Plaintiff, )  
)  
v. )  
)  
DR. MANDY K. COHEN, )  
SECRETARY, NC DEPARTMENT OF )  
HEALTH & HUMAN SERVICES, )  
THOMAS PRICE, SECRETARY OF )  
NC DEPARTMENT OF HEALTH & )  
HUMAN SERVICES, and )  
PAMELA HILL, RANDOLPH )  
COUNTY SUPERIOR COURT, )  
)  
Defendants. )

**MOTION TO DISMISS ON  
BEHALF OF DEFENDANT HILL  
(Fed. R. Civ. P. 12(b)(2), (5), & (6))**

NOW COMES the Honorable Pamela Hill, Clerk of Superior Court for Randolph County, North Carolina, by and through Joshua H. Stein, North Carolina Attorney General, and Kathryn H. Shields, Assistant Attorney General, for the limited purpose of moving, pursuant to Rules 12(b)(2), (5), and (6) of the Federal Rules of Civil Procedure, to dismiss the claims against her on the basis of insufficient service of process, lack of personal jurisdiction, and for failure to state a claim upon which relief can be granted, as more fully set forth in the attached memorandum of law.

Respectfully submitted, this the 17th day of April, 2018.

JOSHUA H. STEIN  
Attorney General

/s/ Kathryn H. Shields  
Assistant Attorney General  
N.C. State Bar No. 43200  
N.C. Department of Justice  
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*Counsel for Defendant Hill*

## CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing **MOTION TO DISMISS ON BEHALF OF DEFENDANT HILL** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the parties of record registered with the CM/ECF system.

The undersigned further certifies that she served the following non CM/ECF participant by depositing a copy of same with the United States Postal Service, first-class postage prepaid, and addressed as follows:

Garrett Avon Spinks  
482 Isley Lane  
Ramseur, N.C. 27316  
336-736-6938  
*Pro Se Plaintiff*

This the 17th day of April, 2018.

/s/ Kathryn H. Shields  
Assistant Attorney General